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Sanford Buckles

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**SANFORD BUCKLES,
INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS
SIMILARLY SITUATED,**

Plaintiff,

v.

FACEBOOK, INC.

Defendant.

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Case No.:

CLASS ACTION

**COMPLAINT FOR DAMAGES FOR
VIOLATIONS OF THE FAIR
CREDIT REPORTING ACT, 15
U.S.C. § 1681, ET SEQ.;**

JURY TRIAL DEMANDED

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INTRODUCTION

1. Plaintiff SANFORD BUCKLES (“Plaintiff”) brings this Class Action Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of Defendant FACEBOOK, INC. (“Defendant”), for willfully violating the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq* (“FCRA”).
2. Plaintiff alleges as follows upon personal knowledge as to himself and his acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by their attorneys.
3. Defendant is a “consumer reporting agency” under the FCRA that provides consumers with their credit reports. The FCRA governs the content of these credit reports as well as subsequent interactions between consumers and Defendant.

JURISDICTION AND VENUE

4. This Court has federal question jurisdiction because this case arises out of violations of federal law, specifically the Fair Credit Reporting Act, 15 U.S.C. §§ 1681-1681(x) (“FCRA”). 15. U.S.C. § 1681p; 28 U.S.C. § 1331; *Myers v. Bennett Law Offices*, 238 F.3d 1068, 1071 (9th Cir. 2001).
5. Venue is proper in the United States District Court for the Northern District of California pursuant to 28 U.S.C. § 1391(b) because Defendant does business there, and because Plaintiff consented to jurisdiction in the Northern District of California by agreeing to bring any lawsuit there as a result of Facebook’s Terms and Conditions.

PARTIES

6. Plaintiff Sanford Buckles (“Plaintiff”) is a natural person residing in the County of Clark, State of Nevada.

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7. Plaintiff and all putative Class members are “consumers” as that term is defined by 15 U.S.C. § 1681a(c).

8. Defendant Facebook, Inc. (“Facebook”) is a corporation incorporated under the laws of Delaware Corporation with its principal place of business in California. Facebook also does business in the State of Nevada.

9. Facebook is a “consumer reporting agency” as that term is defined by 15 U.S.C. § 1681a(f).

10. Unless otherwise indicated, the use of Facebook’s name in this Complaint includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers of Facebook.

11. Plaintiff, individually and on behalf of those similarly situated, brings this action to challenge the actions of Facebook in the transparency, accessibility, protection and safekeeping of the Plaintiff’s and Class members’ personal information.

12. Facebook failed to properly provide complete, clear, and accurate disclosures to Plaintiff and the Class, as required under 15 U.S.C. § 1681g.

FACTUAL ALLEGATIONS

Facebook is a Consumer Reporting Agency that furnishes consumer reports under 15 U.S.C. § 1681b(a)(2)

13. Congress enacted the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), to insure fair and accurate reporting, promote efficiency in the banking system, and protect consumer privacy. Consumer reporting agencies (“CRAs”) have assumed a vital role in assembling and evaluating consumer credit; and the FCRA seeks to ensure that CRAs exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer’s right to privacy. 15 U.S.C. § 1681. During an April 10, 2018 Senate hearing

1 which featured the testimony of Facebook’s CEO, Mark Zuckerberg, both
2 Republican and Democratic senators consistently and specifically remarked
3 that consumers ought to have a clearer sense of what information Facebook
4 was collecting about them and the level of “transparency” Facebook provides
5 its users – the consumers.

6 14. The FCRA defines a “consumer reporting agency” to mean more than simply
7 the “big three” national CRAs (i.e., Experian, Equifax, and Trans Union).
8 Instead, the statutory definition encompasses “any person which, for monetary
9 fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or
10 in part in the practice of assembling or evaluating consumer credit information
11 or other information on consumers for the purpose of furnishing consumer
12 reports to third parties. . . .”¹

13 15. Facebook is a CRA because it regularly assembles and transmits information
14 regarding consumers to third party advertisers, data brokers, researchers, and
15 other third-parties, oftentimes for a fee.²

17 ¹ 15 U.S.C. § 1681a(f). The Federal Trade Commission routinely prosecutes
18 actions against entities other than the “big three.” *See In re ACRANET, Inc.*, File
19 No. 092-3088, 2011 WL 479886 (FTC Feb. 3, 2011); *In re SettlementOne Credit*
20 *Corp.*, File No. 82-3208, 2011 WL 479885 (FTC Feb. 3, 2011); *In re Fajilan &*
Assocs., Inc., File No. 92-3089, 2011 WL 479887, at (FTC Feb. 3, 2011).

21 ² *See* Facebook, Inc. Form 10-K filed with the United States Securities and
22 Exchange Commission, Feb. 1, 2018, at 6, available at
23 [http://d18rn0p25nwr6d.cloudfront.net/CIK-0001326801/c826def3-c1dc-47b9-
99d9-76c89d6f8e6d.pdf](http://d18rn0p25nwr6d.cloudfront.net/CIK-0001326801/c826def3-c1dc-47b9-99d9-76c89d6f8e6d.pdf) (last visited Apr. 10, 2018) (“Form 10-K”) (“We generate
24 substantially all of our revenue from selling advertising placements to
25 marketers.”). Facebook also previously purchased the intellectual property rights
26 of a patent from another organization, Friendster, which would have developed a
27 scoring model solely from information about a consumer’s social network. *See*
28 *Kia Kokalitcheva, Your Facebook friends could be the ticket to your next loan,*
Fortune, Aug. 4, 2015, available at [http://fortune.com/2015/08/04/facebook-loan-
approval-network/](http://fortune.com/2015/08/04/facebook-loan-approval-network/) (last visited Apr. 10, 2018).

1 16. Facebook’s reports include, but are not limited to, transmission of “reports” to
2 its advertising partners regarding the performance of their advertising,³ as well
3 as application developers, for whom Facebook does or has facilitated access to
4 individual consumer user data.⁴

5 17. Facebook is compensated for its participation in the advertising process.⁵

6 18. Facebook regularly assembles and/or evaluates consumer information for the
7 purpose of furnishing consumer reports to third parties, and Facebook uses
8 interstate commerce to prepare and/or furnish the reports. Therefore,
9 Facebook is a “consumer reporting agency” for purposes of 15 U.S.C. §
10 1681a(f).

11 19. The FCRA defines “consumer report” broadly, as “any written, oral, or other
12 communication of any information by a CRA bearing on a consumer’s credit
13 worthiness, credit standing, credit capacity, character, general reputation,
14 personal characteristics, or mode of living which is used or expected to be
15 used or collected in whole or in part for the purpose of serving as a factor in
16 establishing the consumer’s eligibility for (A) credit or insurance to be used
17 primarily for personal, family, or household purposes; (B) employment
18 purposes; or (C) any other purpose authorized under section 1681b of this
19 title.” 15 U.S.C. § 1681a(d).
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23 ³ See Facebook, *Measure your ads*, available at
24 <https://www.facebook.com/business/learn/facebook-ads-measuring-results> (last
visited Apr. 10, 2018).

25 ⁴ See Josh Constine, *Facebook Is Shutting Down Its API For Giving Your*
26 *Friends’ Data To Apps*, Techcrunch, Apr. 28, 2014, available at
27 <https://techcrunch.com/2015/04/28/facebook-api-shut-down/> (last visited Apr. 10,
2018).

28 ⁵ See Form 10-K, at 6.

1 20. Under Section 1681b(a)(2), a consumer reporting agency may furnish a
2 consumer report “[i]n accordance with the written instructions of the consumer
3 to whom it relates.”⁶

4 21. Consumers who use Facebook must agree to a set of conditions that satisfy 15
5 U.S.C. § 1681b(a)(2). Specifically, an account-holder must agree to
6 Facebook’s “Terms of Service.”⁷ These terms explicitly provide that
7 consumers who use Facebook give Facebook permission to use a consumer’s
8 “name, profile picture, content, and information in connection with
9 commercial, sponsored, or related content (such as a brand you like) served or
10 enhanced by us.”⁸

11 22. During April 10, 2018 testimony, Facebook’s Chief Operating Officer, Mark
12 Zuckerberg, testified to the U.S. Senate that consumers have the opportunity to
13 review Facebook’s policies and consent to them.

14 23. This testimony is supported by a 2011 consent decree entered into between
15 Facebook and the Federal Trade Commission, which required Facebook to (1)
16 refrain from making misrepresentations about the privacy or security of
17 consumers’ personal information, and (2) to obtain consumers’ affirmative
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19 ⁶ See also Fed. Trade Comm’n, *Big Data: A Tool for Inclusion or Exclusion?*,
20 Jan. 7, 2016, at [https://www.ftc.gov/system/files/documents/reports/big-data-tool-inclusion-or-
21 exclusion-understanding-issues/160106big-data-rpt.pdf](https://www.ftc.gov/system/files/documents/reports/big-data-tool-inclusion-or-exclusion-understanding-issues/160106big-data-rpt.pdf) (last visited Apr. 6, 2018).

22 ⁷ Facebook Terms of Service, Jan. 30, 2015, available at
<http://www.facebook.com/terms.php> (last visited Apr. 6, 2018) (“Terms of
23 Service”). Facebook’s terms of service form the agreement between a consumer
and Facebook, Inc. See *id.*

24 ⁸ See Terms of Service. The Terms of Service incorporate by reference the
25 “Facebook Principles,” which include the maxim that “People should own their
26 information,” but that consumer privacy controls “are not capable of limiting how
27 those who have received information may use it, particularly outside the Facebook
Service.” Facebook Principles, <https://www.facebook.com/principles.php> (last
28 visited Apr. 6, 2018) (“Principles”).

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1 express consent before enacting changes that override their privacy
2 preferences.⁹

3 24. Consequently, Facebook’s transmissions of this consumer data qualify as a
4 consumer report under, *inter alia*, 15 U.S.C. § 1681b(a)(2), as they are reports
5 sent “in accordance with the written instructions of the consumer to whom it
6 relates.”

7 ***Facebook Provides Consumer Disclosures Under 15 U.S.C. § 1681g.***

8 25. The FCRA also entitles the consumer to take an active role in the protection of
9 his or her sensitive personal information, by giving the consumer a right to
10 request from consumer reporting agencies like Facebook “All information in
11 the consumer’s file at the time of the request.” 15 U.S.C. § 1681g(a)(1).

12 26. “File,” is explicitly defined in the FCRA when applied to consumers, and
13 means, “all of the information on that consumer and retained by a consumer
14 reporting agency regardless of how the information is stored.” 15 U.S.C. §
15 1681a(g).

16 27. When a CRA discloses to a consumer that consumer’s file, the disclosure must
17 “clearly and accurately” reflect all the information in that consumer’s file at
18 the time of the disclosure. 15 U.S.C. § 1681g(a)(1).

19 28. Information disclosed in the consumer’s “file” must include certain, specific
20 details. For example, the information disclosed under Section 1681g of the
21 FCRA must also include the sources of the disclosed information. 15 U.S.C. §
22 1681g(a)(2).

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25 ⁹ See *In re Facebook, Inc.*, File No. 092-3184, Nov. 29, 2011; see also
26 Bloomberg, *Facebook May Have Breached a 2011 Consent Agreement*, Fortune,
27 Mar, 30, 2018, available at [http://fortune.com/2018/03/29/cambridge-analytica-
28 facebook-scandal/](http://fortune.com/2018/03/29/cambridge-analytica-facebook-scandal/) (last visited Apr. 10, 2018).

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29. A consumer disclosure must also include an identification of each person (including end-users) who “procured” a consumer report for employment or another purpose. 15 U.S.C. § 1681g(a)(3). The identification of individuals must include both the name and trade name under which such person conducts business. 15 U.S.C. § 1681g(a)(3)(B)(i).

30. Disclosing sufficient information about the sources of information, as well as the identity of third parties, can assist consumers in determining whether their identity has been compromised, or whether a consumer reporting agency has made any disclosures for an impermissible purpose. *See also* 15 U.S.C. § 1681c-1(a)-(b) (permitting consumers to obtain additional copies of their consumer disclosures at no charge in the case of suspected identity theft).

31. Disclosure of this information is especially important for consumer reporting agencies, like Facebook, who provide users with some degree of control over the appropriate privacy level for their data, and whose business is premised in no small part on its ability to deliver targeted advertising content to consenting users.

32. Without full and complete disclosures of the information Facebook acquires and compiles, a consumer is unable to adequately assess whether to adjust their privacy settings to opt out of marketing campaigns, or determine whether false information is being reported about them such that they can correct the information.

1 33. Since at least October of 2010, Facebook has permitted consumers to
2 download portions of their data from Facebook.¹⁰ The information
3 downloadable from Facebook, aside from Plaintiff’s name, address, email
4 addresses, photographs, posts, “likes,” and timelines, includes (1) account
5 status history, (2) ads clicked, (3) ad topics, (4) apps they have consented to
6 use, (5) facial recognition data, and (6) IP Addresses.¹¹

7 34. The information Facebook permits users to download constitutes its disclosure
8 of information in a consumer’s “file” pursuant to 15 U.S.C. § 1681g.¹²

9 ***Facebook’s Consumer Disclosures Violate 15 U.S.C. § 1681g(a)***

10 35. In addition to the information provided to third parties as part of the
11 advertising process, on information and belief since 2013 Facebook has also
12 acquired a voluminous amount of data from third party sources, commonly
13 known as “data brokers,” which it integrates into its files.¹³

14
15 ¹⁰ Alexia Tsotsis, *Facebook Now Allows You To ‘Download Your Information’*,
16 TechCrunch, Oct. 6, 2010, available at
[https://techcrunch.com/2010/10/06/facebook-now-allows-you-to-download-your-](https://techcrunch.com/2010/10/06/facebook-now-allows-you-to-download-your-information/)
17 [information/](https://techcrunch.com/2010/10/06/facebook-now-allows-you-to-download-your-information/) (last visited Apr. 10, 2018).

18 ¹¹ See Facebook, *How can I download a copy of my Facebook data?*, available
19 at <https://www.facebook.com/help/302796099745838> (last visited Apr. 10, 2018)
20 (“Download FAQ”); Facebook, *Where can I find my Facebook data?*, available at
21 https://www.facebook.com/help/405183566203254?helpref=faq_content (last
22 visited Apr. 10, 2018) (“Data FAQ”); Facebook, *What categories of my Facebook*
23 *data are available to me?* Available at
<https://www.facebook.com/help/930396167085762?helpref=related> (last visited
24 Apr. 10, 2018) (“Categories FAQ”).

25 ¹² This information is coupled with information viewable from a Facebook
26 account’s “activity log,” which a consumer can view when logging into their
27 Facebook account. See Categories FAQ. Additional information, such as credit
28 card numbers and linked accounts provided to Facebook, is available in the
“account settings” portion of a consumer’s Facebook account. See *id.*

¹³ See Kalev Leetaru, *The Data Brokers So Powerful Even Facebook Bought
Their Data – But They Got Me Wildly Wrong*, Forbes, Apr. 5, 2018, available at
<https://www.forbes.com/sites/kalevleetaru/2018/04/05/the-data-brokers-so->

1 36. These data brokers, such as Experian and Acxiom, segment information on
2 consumers based on criteria such as purchasing activity and other highly
3 sensitive and invasive behavioral data. Indeed, one major data broker,
4 Experian, has stated that its “industry leading database, ConsumerView, is
5 now connected to Facebook giving you access to an unparalleled breadth and
6 depth of data.”¹⁴

7 37. A means by which Facebook collects and shares information with data brokers
8 is its “Partner Categories” program. Through this program Facebook pairs
9 potential advertisers with third-party data brokers to launch target Facebook
10 marketing campaigns. The program has been described as: (1) a potential
11 advertiser contacts a data broker requesting information related to specific
12 consumer demographics, (2) the data broker searches its own database for
13 contact information of consumers who meet that demographic, (3) the contact
14 information is sent to Facebook, which places the user into a targeted
15 “segment” and then displays the advertisement to all targeted users.¹⁵ After
16 the advertising campaign is completed, Facebook then sends a report back to
17

18
19 [powerful-even-facebook-bought-their-data-but-they-got-me-wildly-wrong/#739e4b483107](https://www.techcrunch.com/2013/02/27/facebook-ad-data-providers/?_ga=2.246742147.687259487.1523245102-1825075070.1521347830)
20 (last visited Apr. 8, 2018); Josh Costine, *Facebook Lets Advertisers Tap Purchase Data Partners to Target Customers, Categories Like Car-Buyers*,
21 TechCrunch, Feb. 27, 2013, available at
22 https://beta.techcrunch.com/2013/02/27/facebook-ad-data-providers/?_ga=2.246742147.687259487.1523245102-1825075070.1521347830
(last visited Apr. 8, 2018).

23 ¹⁴ See Experian Product Sheet, *Experian and Facebook*, 2016, available at
24 <http://www.experian.com/assets/marketing-services/product-sheets/fb-exp-product-sheet-dec-2016.pdf>
25 (last visited Apr. 8, 2018).

26 ¹⁵ See Alex Senemar, *Facebook Partners With Shadowy ‘Data Brokers’ To Farm Your Information*,
27 medium.com, Apr. 25, 2016, available at
28 <https://medium.com/sherbit-news/facebook-partners-with-shadowy-data-brokers-to-farm-your-information-1129a5878b05>
(last visited Apr. 9, 2018).

1 advertisers regarding the performance of the advertisement.¹⁶ Facebook
2 receives some of the revenue from these marketing campaigns upon successful
3 completion. On information and belief, the specific “Categories” which
4 Facebook utilizes are based on information provided by a select number of
5 Facebook marketing partners.¹⁷

6 38. The Federal Trade Commission has described such otherwise anonymous
7 “categorical” data as information that could constitute a consumer report.¹⁸

8 Specifically, the Federal Trade Commission stated:

9 Suppose a company asks a consumer to provide her zip code and
10 information about her social media and shopping behavior on a
11 credit application, strips the consumer’s identifying information,
12 and sends the application to an analytics firm. The firm then
13 analyzes the creditworthiness of people in the same zip code with
14 similar social media and shopping behaviors as the consumer and
15 provides that analysis—be it, for example, in the form of a score,
16 a grade, or a recommendation—to the company, knowing that it
17 is to be used for a credit decision. Because the company is using
18 information about the consumer to generate an analysis of a
19 group that shares some characteristics with the consumer and
20 then is using that analysis to make a decision about the
21 consumer, the Commission would likely regard the analysis to be
22 a consumer report, and FCRA requirements and protections
23 would likely apply.¹⁹

21 ¹⁶ See Senemar, *Facebook Partners With Shadowy ‘Data Brokers’ To Farm Your Information*.

22 ¹⁷ See Facebook, About Partner Categories, available at
23 <https://www.facebook.com/business/help/298717656925097> (last visited Apr. 10
24 2018) (“Partner Categories FAQ”).

25 ¹⁸ See Fed. Trade Comm’n, *Big Data: A Tool for Inclusion or Exclusion?*, at
26 16-17.

27 ¹⁹ *Id.* at 16. In 2015, Facebook secured a patent assessing a consumer’s
28 creditworthiness based on his or her social networks, although it later altered its
data access policies for third parties. See Kokalitcheva, *Your Facebook friends could be the ticket to your next loan*.

1 39. On March 28, 2018, Facebook announced that it would be “winding down”
2 partner categories in the next six months, in order to “help improve people’s
3 privacy on Facebook.”²⁰ However, as of the date of this Complaint, the
4 “Partner Categories” links on Facebook are still live. According to an email
5 sent from Facebook to its advertisers, “Partner Categories” will continue to be
6 available in the United States until October 1, 2018.²¹

7 40. Another tool Facebook provides to marketers is its “Custom Audiences”
8 program, in which Facebook permits advertisers to upload their own data for
9 use in advertising programs. Until recently, Facebook had no controls in place
10 to ensure that the data which advertisers uploaded to Facebook was comprised
11 solely of first-party data, and was not instead derived from third party data
12 brokers.²²

13 41. Facebook uses a variation of its “custom audiences” program which it calls a
14 “Lookalike Audiences” program. According to Facebook, this program is “a
15 way to reach new people who are likely to be interested in your business
16 because they’re similar to your best existing customers.”²³ Therein, a potential
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18 ²⁰ See Facebook, *Shutting Down Partner Categories*, Mar. 28, 2018, available
19 at <https://newsroom.fb.com/news/h/shutting-down-partner-categories/> (last visited
20 Apr. 8, 2018).

21 ²¹ See Finy Marvin, *Facebook’s removing third-party targeting data: What*
22 *marketers need to know*, Marketing Land, Mar. 30, 2018, available at
[https://marketingland.com/facebooks-removal-of-third-party-targeting-data-what-
we-know-237260](https://marketingland.com/facebooks-removal-of-third-party-targeting-data-what-we-know-237260) (last visited April 9, 2018).

23 ²² See Shareen Pathak, *How Facebook’s shutdown of third-party data affects*
24 *advertisers*, Digiday, Mar. 30, 2018, available at
[https://digiday.com/marketing/facebooks-shutdown-third-party-data-affects-
brands/](https://digiday.com/marketing/facebooks-shutdown-third-party-data-affects-brands/) (last visited Apr. 10, 2018). To the degree Facebook did accept that
25 marketing data, such data would be a “consumer report” and Facebook would be
26 an end-user of that data.

27 ²³ See Facebook, *About Lookalike Audiences*, available at
<https://www.facebook.com/business/help/164749007013531?helpref=related> (last
28

1 advertiser chooses a “source audience” based either on collaboration with a
 2 data partner, or data which Facebook maintains in its own records; after
 3 uploading the list of records to Facebook and specifying (1) audience size, (2)
 4 target country, and (3) other criteria, Facebook (4) identifies common qualities
 5 in the “source audience,” (5) identifies additional Facebook users who “look
 6 like” the advertiser’s list of individuals, so that they can be used in a
 7 marketing campaign, and (6) send an advertisement to these “lookalike”
 8 individuals.²⁴

9 42. Finally, there has been recent public outcry regarding the exposure of data
 10 “scraped” by third party actors who use targeted, consent-based interactive
 11 media to procure data from an individual Facebook user, and which
 12 consequently permits the third party to procure the information about each
 13 Facebook user or the user’s “friends.” The most noteworthy example of this
 14 practice was the firm of Cambridge Analytica, which purportedly used a list of
 15 approximately 300,000 Facebook users who took a “quiz” intended for
 16 research purposes to compile a list of approximately 87 million users, which it
 17 then used for targeted political campaigning.

18 43. Although Facebook purportedly changed its application settings in 2014 to
 19 prevent the type of clandestine “scraping” used to ultimately create the list of
 20 87 million users in the Cambridge Analytica data breach, Facebook’s public
 21 search feature – by which a user could enter an email address to find a public
 22 profile – remained in place until April 2018.

23
 24
 25
 26
 27 visited Apr. 10, 2018).

²⁴ See *id.*

1 44. Facebook CEO Mark Zuckerberg has commented that “at some point during
2 the last several years, someone has probably accessed your public information
3 this way.”²⁵

4 45. Facebook’s disclosures contain a list of advertisers who have an individual’s
5 contact information. This list includes nothing more than the names of the
6 advertisers in question, without specifying (1) when they received the
7 information, or (2) whether the name disclosed is a trade name or not, and (3)
8 the purpose for the inquiry.

9 46. Facebook fails to indicate the specific purpose each advertiser in question had
10 when it procured the Plaintiff’s information for the purpose.

11 47. Given the granulated structure of Facebook’s marketing campaigns, Facebook
12 is in a position to know precisely why any individual advertiser would have
13 procured consumer data, but Facebook fails to describe it, or even clearly
14 disclose whether any advertiser made an inquiry at all.

15 48. Finally, on information and belief, Facebook also collects the text messaging
16 histories of users of Android phones, as well as cross-device data, including
17 offline data.

18 49. As a matter of policy, Facebook fails to provide all information in the
19 consumer’s “file” pursuant to Section 1681g(a)(1). Specifically, Facebook
20 fails to disclose to consumers the information it procures from third-party data
21 brokers, including but not limited to the “behavioral data” which it used to
22 develop its “partner categories” program. Facebook also failed to disclose
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25 _____
26 ²⁵ Kevin Smith, *Facebook: Most users may have had public data ‘scraped’*,
27 Orange County Register, Apr. 5, 2018, available at
[https://www.ocregister.com/2018/04/05/facebook-most-users-may-have-had-
28 public-data-scraped/](https://www.ocregister.com/2018/04/05/facebook-most-users-may-have-had-public-data-scraped/) (last visited Apr. 8, 2018).

1 cross-device and offline data, including the text histories in its consumer
2 disclosures.

3 50. Second, Facebook fails to provide the source of several material items of
4 information in its files, in violation of Section 1681g(a)(2). Specifically, on
5 information and belief Facebook knew or had reason to know that advertisers
6 with a consumer's contact information procured that data from Facebook's
7 files, or procured it from one of Facebook's data broker "partners."

8 51. Third, Facebook failed to provide a clear, accurate, and complete list of all
9 individuals who made inquiries, in violation of Section 1681g(a)(3).
10 Specifically, Facebook failed to provide a complete list of entities that it
11 permitted access to Facebook's consumer files, including the data brokers
12 which, like Experian, advertised that their own credit databases were
13 "connected" to Facebook, or a list of application users who "scraped"
14 consumer data.

15 52. Facebook also failed to disclose material information regarding any third-party
16 inquiries, including the date the inquiries were made, the trade name for each
17 inquiring third-party, or the date or purpose for which each inquiry was made.

18 53. Facebook's disclosures were unclear (lacking "transparency") because they
19 referred only to a list of advertisers who had an individual's personal
20 information, without also specifying the other types of third-parties, like
21 Experian, who had procured the data, or the specific purposes for which an
22 inquiry was made, including for research purposes.

23 ***Plaintiff's Allegations***

24 54. On April 5, 2018, Plaintiff downloaded a copy of his Facebook "file." His file
25 contained each and every one of the deficiencies outlined above.

26 55. Thereafter, Plaintiff sent an email to Facebook, expressing concern that his
27 consumer disclosure did not contain a list of any third-party data brokers who
28

1 had procured his information, and asking why they were not present. Plaintiff
2 asked this question because he wanted to confirm who obtained his personal
3 information. In this communication, Plaintiff also asked if the downloaded
4 information was all of the information Facebook maintained on him.
5 However, as of April 10, 2018, Facebook failed to respond to Plaintiff.

6 56. Facebook's failures also violated his right to privacy because Facebook
7 deprived him of his opportunity to independently investigate the information
8 in his file for completeness and accuracy, as well as to determine which third
9 parties had obtained information about him. Facebook's failure to include this
10 information caused Plaintiff to suffer a concrete informational injury because
11 he had a right to that information under 15 U.S.C. § 1681g.

12 57. Facebook's disclosure failures were at least negligent, and entitle Plaintiff to
13 an award of actual damages including, but not limited to, lost time.

14 58. On information and belief, Facebook's failures were willful, as Facebook had
15 complete control over the information and as a matter of policy would not
16 clearly, completely or accurately disclose to Plaintiff the information in his
17 consumer file at Facebook. Thus, Plaintiff is entitled to statutory damages
18 under 15 U.S.C. § 1681n.

19 CLASS ALLEGATIONS

20 59. Plaintiff brings this action on behalf of a nationwide class of all similarly
21 situated individuals ("Class"), defined as:

22 All natural persons in the United States who, for the two-year
23 period preceding the date of this Complaint and continuing until
24 class certification, requested and obtained their Facebook
consumer disclosure, wherein Facebook failed to provide:

25 (a) all information it maintained in the consumer's file at the
26 time of the request regarding the source of an advertiser's
27 procuring of each consumer's address or other contact
information;

- 1 (b) a clear, accurate, and complete list of entities which
- 2 procured data from Facebook's records or obtained data
- 3 therefrom; and/or
- 4 (c) a complete list of inquiries from users, which disclosed the
- 5 dates and purposes of each inquiry.

6 60. Excluded from the Class are: (1) Defendant, Defendant's agents, subsidiaries,

7 parents, successors, predecessors, and any entity in which Defendant or its

8 parents have a controlling interest, and those entities' current and former

9 employees, officers, and directors; (2) the Judge to whom this case is assigned

10 and the Judge's immediate family; (3) any person who executes and files a

11 timely request for exclusion from the Class; (4) any persons who have had

12 their claims in this matter finally adjudicated and/or otherwise released; and

13 (5) the legal representatives, successors and assigns of any such excluded

14 person.

15 61. At this time the Plaintiff does not know the size of the Class because the

16 information is exclusively in the possession of Facebook, but believes that the

17 potential number of Class members is so numerous that joinder would be

18 impracticable. Facebook has nearly 2 billion users worldwide, including over

19 200 million in the United States alone. The number of Class members can be

20 determined through discovery, particularly investigation of Facebook's

21 internal records of the number of downloads made of an individual's file.

22 62. All members of the Class have been subject to and affected by a uniform

23 course of conduct in that the defects listed above will be present for all Class

24 members. These are questions of law and fact common to the proposed Class

25 that predominate over any individual questions. The questions common to all

26 Class members include, but are not limited to:

KAZEROUNI LAW GROUP, APC
245 FISHER AVENUE, UNIT D1
COSTA MESA, CA 92626

KAZEROUNI LAW GROUP, APC
245 FISCHER AVENUE, UNIT D1
COSTA MESA, CA 92626

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- a. Whether Defendant failed to provide consumers with clear, accurate, and complete disclosures of the information in their file when requested;
- b. Whether Defendant omitted statutorily required information in those disclosures;
- c. Whether Plaintiff and Class members suffered damages as a result of Defendant's failure to comply with FCRA based on the failure to disclose information;
- d. Whether Plaintiff and Class members are entitled to statutory damages; and
- e. Whether Plaintiff and Class members are entitled to punitive damages.

63. Plaintiff's claims are typical of the Class, as Plaintiff requested information in his Facebook file and received an incomplete consumer disclosure. All claims are based on the same legal and factual issues.

64. Plaintiff will adequately represent the interests of the Class and does not have an adverse interest to the Class. If individual Class members prosecuted separate actions it may create a risk of inconsistent or varying judgments that would establish incompatible standards of conduct. A class action is the superior method for the quick and efficient adjudication of this controversy. Plaintiff's counsel has experience litigating consumer class actions.

65. Further, under Fed. R. Civ. Pro. 23(a), Defendant acted on grounds generally applicable to the proposed Class, making appropriate final injunctive relief with respect to the proposed Class as a whole.

COUNT ONE: VIOLATION OF 15 U.S.C. 1681 et seq.

66. Plaintiff restates all allegations contained above as if fully rewritten herein.

67. This Count is brought on behalf of the nationwide Class.

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68. Facebook failed to make clear, accurate, and complete disclosures, violating 15 § U.S.C. 1681g.

69. As a result of each and every willful violation of FCRA, Plaintiff and Class members are entitled to: actual damages, pursuant to 15 U.S.C. § 1681n(a)(1); statutory damages, pursuant to 15 U.S.C. § 1681n(a)(1); punitive damages, as this Court may allow, pursuant to 15 U.S.C. § 1681n(a)(2); and reasonable attorneys’ fees and costs pursuant to 15 U.S.C. § 1681n(a)(3).

70. As a result of each and every negligent non-compliance of the FCRA, Plaintiff and Class members are also entitled to actual damages, pursuant to 15 U.S.C. § 1681o(a)(1); and reasonable attorney’s fees and costs pursuant to 15 U.S.C. § 1681o(a)(2) from Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the Class, respectfully requests the following relief against Defendant Facebook:

- For an award of actual damages against Defendant pursuant to 15 U.S.C. § 1681o;
- For an award of statutory damages pursuant to 15 U.S.C. § 1681n(a)(1);
- For an award of punitive damages against Defendant as this Court may allow pursuant to 15 U.S.C. 1681n(a)(2);
- For an award of the costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C. 1681n(a)(3) and 15 U.S.C. 1681(o)(1)(1) against Defendant for each incident of noncompliance of FCRA; and
- For all other relief this Court may deem just and proper.

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JURY DEMAND

Plaintiff hereby request a trial by jury on all issues so triable.

Dated: April 12, 2018

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Abbas Kazerounian
ABBAS KAZEROUNIAN, ESQ.
ATTORNEY FOR PLAINTIFF

KAZEROUNI LAW GROUP, APC
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COSTA MESA, CA 92626

JS-CAND 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
SANFORD BUCKLES, et al.

(b) County of Residence of First Listed Plaintiff Clark County, Nevada
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Abbas Kazerounian, Esq. (249203)
 KAZEROUNI LAW GROUP, APC
 245 Fischer Avenue, Unit D1, Costa Mesa, CA 92626 **Tele:** (800) 400-6808

DEFENDANTS
FACEBOOK, INC.

County of Residence of First Listed Defendant SAN FRANCISCO
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

1 U.S. Government Plaintiff 3 Federal Question *(U.S. Government Not a Party)*

2 U.S. Government Defendant 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	LABOR	PROPERTY RIGHTS	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	710 Fair Labor Standards Act	820 Copyrights	410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability	720 Labor/Management Relations	830 Patent	430 Banks and Banking
151 Medicare Act	340 Marine	740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	751 Family and Medical Leave Act	840 Trademark	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	790 Other Labor Litigation	SOCIAL SECURITY	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	791 Employee Retirement Income Security Act	861 HIA (1395ff)	<input checked="" type="checkbox"/> 480 Consumer Credit
190 Other Contract	360 Other Personal Injury	IMMIGRATION	862 Black Lung (923)	490 Cable/Sat TV
195 Contract Product Liability	362 Personal Injury—Medical Malpractice	462 Naturalization Application	863 DIWC/DIWW (405(g))	850 Securities/Commodities/Exchange
196 Franchise	CIVIL RIGHTS	465 Other Immigration Actions	864 SSID Title XVI	890 Other Statutory Actions
REAL PROPERTY	440 Other Civil Rights		865 RSI (405(g))	891 Agricultural Acts
210 Land Condemnation	441 Voting		FEDERAL TAX SUITS	893 Environmental Matters
220 Foreclosure	442 Employment		870 Taxes (U.S. Plaintiff or Defendant)	895 Freedom of Information Act
230 Rent Lease & Ejectment	443 Housing/Accommodations		871 IRS—Third Party 26 USC § 7609	896 Arbitration
240 Torts to Land	445 Amer. w/Disabilities—Employment			899 Administrative Procedure Act/Review or Appeal of Agency Decision
245 Tort Product Liability	446 Amer. w/Disabilities—Other			950 Constitutionality of State Statutes
290 All Other Real Property	448 Education			
	PRISONER PETITIONS			
	463 Alien Detainee			
	510 Motions to Vacate Sentence			
	530 General			
	535 Death Penalty			
	OTHER			
	540 Mandamus & Other			
	550 Civil Rights			
	555 Prison Condition			
	560 Civil Detainee—Conditions of Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation—Transfer 8 Multidistrict Litigation—Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
 15 U.S.C. § 1681
 Brief description of cause:
 Class Action pursuant to the Fair Credit Reporting Act

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)
(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 04/12/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Abbas Kazerounian

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)."
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) **United States plaintiff.** Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) **United States defendant.** When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - (3) **Federal question.** This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) **Diversity of citizenship.** This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. **Origin.** Place an "X" in one of the six boxes.
- (1) **Original Proceedings.** Cases originating in the United States district courts.
 - (2) **Removed from State Court.** Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) **Remanded from Appellate Court.** Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) **Reinstated or Reopened.** Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) **Transferred from Another District.** For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) **Multidistrict Litigation Transfer.** Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) **Multidistrict Litigation Direct File.** Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. **Brief Description:** Unauthorized reception of cable service.
- VII. **Requested in Complaint. Class Action.** Place an "X" in this box if you are filing a class action under Federal Rule of Civil Procedure 23. **Demand.** In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. **Jury Demand.** Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. **Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."

Date and Attorney Signature. Date and sign the civil cover sheet.